- **hu·bris**
  ˈ(h)yo͞obris/
  Noun:  Excessive self-confidence.

# Federal Eagle Guidance Update

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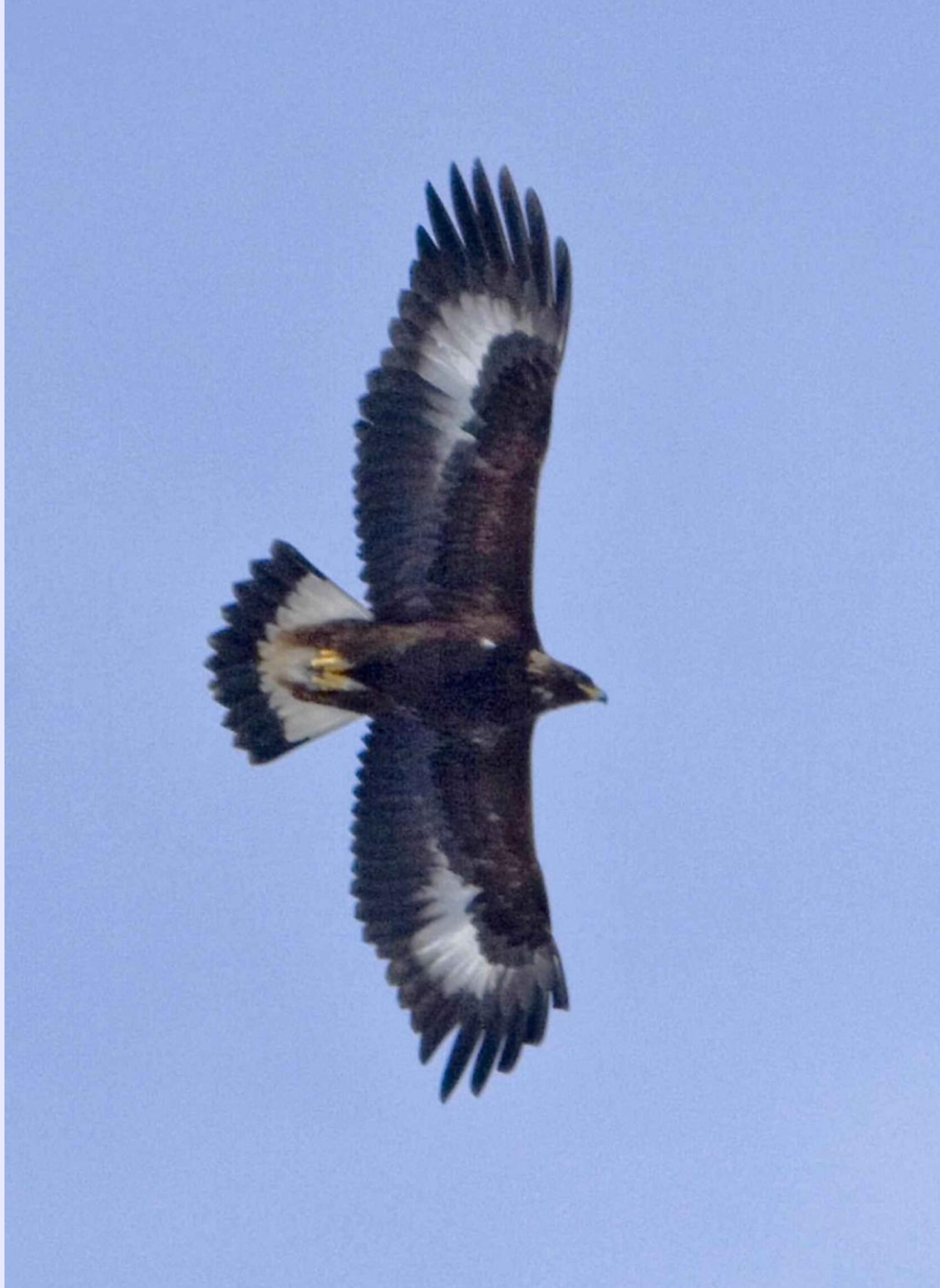


# Draft Guidance – Review

- The Bald and Golden Eagle Protection Act prohibits the taking (killing, wounding, or disturbing) of bald and golden eagles without a permit.

- The 2009 U.S. FWS Eagle Rule provides for permits to take bald and golden eagles where the take is associated with but not the purpose of an otherwise lawful activity.

- The 2011 U.S. FWS Eagle Guidance is a framework for permitting lawful "take" and conserving eagles. Most take authorized under this section will be in the form of disturbance; however, permits may authorize non-purposeful mortality. In all cases a take cannot be practicably avoided.

# Draft Guidance – Review

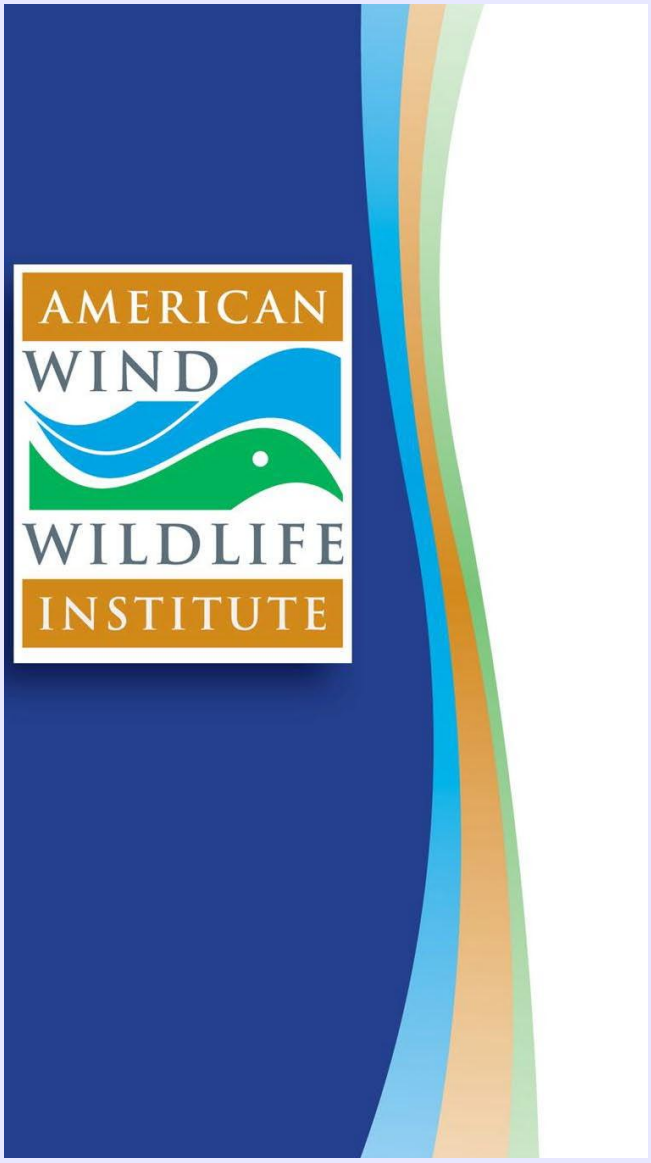
- The Eagle Conservation Plan Guidance provides the information necessary for wind developers to prepare an Eagle Conservation Plan that assesses the risk of their project to eagles and how siting, design, and operational modifications can mitigate that risk.

  1) early landscape-level site assessments;
  2) site specific surveys;
  3) risk assessment;
  4) avoiding, minimizing and mitigating impacts;
  and 5) post-construction monitoring.

# Draft Guidance – Status Update

- Comments on the Draft Guidance were submitted on May 19, 2011. AWEA and Industry comments were extensive and critical, asking for the guidance to be withdrawn.
- In April the U.S. FWS issued a proposed rule to extend the duration of eagle take permits from 5 to 30 years.
- In May the U.S. FWS asked for comments on how the eagle permit rule could be improved.
- In August, AWEA, regional partners, several major environmental groups urging a negotiated process for an improved permit program.
- U.S. FWS is in the process of finalizing the second draft of the Guidance, however, it is unclear as to when the document will be publicly released, or if U.S. FWS will be seeking comments for additional revisions or issuing the document as final.

# Draft Guidance – Challenges




## Eagles and Wind Energy:

## Identifying Research Priorities

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May 2012

www.awwi.org

# Draft Guidance – Challenges

- Establishing Take Thresholds for Bald & Golden Eagles involves the status and trends in populations, annual productivity and age-specific survival, and existing mortality sources.

- Population status and trends of bald and golden eagles are key elements in the application of the Eagle Rule and Eagle Guidance. Take permits will only be issued when compatible with stable or increasing populations of eagles.

- If estimated take from a proposed project exceeds thresholds for the relevant eagle management unit, the proposed activity must completely offset predicted take resulting in no net mortality increase.

# Draft Guidance – Challenges

- No Montana wind farm has ever reported an eagle fatality:

**Table 3. Eagle fatalities reported at wind energy facilities in the U.S.**

Data in this report were compiled from reports provided by each of the U.S. Fish and Wildlife Service Regional Offices. The data reflect the results of systematic surveys as well as incidental observations provided to the Service by wind energy developers and their consultants. Data were reported by Service regional offices and compilation by state was done by AWWI staff. Data summary does not include summaries from Altamont Pass Wind Resource Area or reports from regional offices where no take reports were received. It was presumed that the absence of a report from a region indicated an absence of known fatalities (Brian Millsap, USFWS, personal communication).

| State/Province | Bald Eagle | | Golden Eagle | |
|---|---|---|---|---|
| | Date | # | Date | # |
| California | _ | _ | 2006-2011 | 14 |
| Iowa | 2011 | 1 | _ | _ |
| New Mexico | _ | _ | no date | 5 |
| Ontario | 2010-2011 | 2 | _ | _ |
| Oregon | _ | _ | 2009-2011 | 5 |
| Washington | _ | _ | 2009 | 1 |
| Wyoming | 2010-2011 | 2 | 2009-2011 | 29 |

# Draft Guidance – Challenges

- For golden eagles, modeling has predicted that additional mortality would lead to population declines. Therefore, to receive a programmatic take permit, the developer would be required to implement compensatory mitigation that offsets predicted fatalities to result in a net take of zero (aka "no net loss").

- This offset could be accomplished by reducing mortality or, in theory, by increasing eagle carrying capacity.

- The challenge is developing a menu of scientifically justifiable options for numerically offsetting take at wind energy facilities.

# Draft Guidance – Challenges

## Table 4. Anthropogenic sources of eagle mortality 2006-2011

Fatality numbers and percentages are derived from TetraTech (2011). The factors listed below do not include all factors potentially affecting eagle numbers such as loss and deterioration of foraging and nesting habitat, which are thought to be important but have yet to be systematically quantified.

| Mortality Source | Bald Eagle Fatalities | | Golden Eagle Fatalities | |
|---|---|---|---|---|
| | # | % | # | % |
| vehicle strike | 199 | 5.8% | 119 | 4.5% |
| aircraft strike | 85 | 2.5% | 36 | 1.4% |
| train strike | 28 | 0.8% | 1 | 0.0% |
| wire collision | 22 | 0.6% | 27 | 1.0% |
| collision/electrocution | 33 | 1.0% | 0 | 0.0% |
| electrocution | 357 | 10.4% | 1,316 | 50.0% |
| turbine blade collision (Altamont) | N/A | 0.0% | 565 | 21.5% |
| turbine blade collision (other) | 1 | 0.0% | 12 | 0.5% |
| unknown collision | 36 | 1.1% | 10 | 0.4% |
| gun shot | 737 | 21.5% | 138 | 5.2% |
| trap | 195 | 5.7% | 42 | 1.6% |
| poisoning | 1,257 | 36.8% | 349 | 13.3% |
| illegally taken | 18 | 0.5% | 4 | 0.2% |
| unknown trauma | 452 | 13.2% | 11 | 0.4% |
| **Total** | 3,420 | 100.0% | 2,630 | 100.0% |